

WEEKLY REPORT

January 13, 2022

MEMORANDUM FOR THE CABINET SECRETARY

FROM: DAN UTECH, 202-941-1114
ENVIRONMENTAL PROTECTION AGENCY (EPA)

SUBJECT: EPA Weekly Report | Week Ending January 13, 2022

AMERICAN RESCUE PLAN (ARP) / BIPARTISAN INFRASTRUCTURE FRAMEWORK (BIF) / BUILD BACK BETTER AGENDA (BBB) / ECONOMY

- **Significant activity for consideration to raise to the attention of POTUS:**
 - **Water Infrastructure Finance and Innovation Act (WIFIA) Loan Announcements:** On January 19th, the U.S. Environmental Protection Agency (EPA) will announce three WIFIA loans totaling over \$690 million. Together, the projects financed by these loans are expected to create over 4,000 jobs:
 - \$396M to Baltimore, MD to enable the city to proactively implement projects to improve the reliability and resiliency of its water systems. Through WIFIA, the city will save approximately \$100 million while project construction and operation are expected to create an estimated 2,700 jobs.
 - \$250M to Union Sanitary District in California to help fund upgrades to aging water infrastructure that will provide better wastewater treatment, reduced nutrient discharges to the San Francisco Bay, and increased resiliency to impacts of climate change. This project will serve over 357,000 people and the San Francisco Bay area with reduced nitrogen and ammonia discharges and extreme wet weather components.
 - \$42M to Milwaukee Metropolitan Sewerage District to expand its stormwater management capacity and reduce flood risk in historically underserved communities. Project

construction and operation are expected to create an estimated 130 jobs. The project will serve Milwaukee's population of approximately 1.1 million people.

- **Past Week Accomplishments and Setbacks/Obstacles:**
 - **EPA Hosted Informational Webinar for \$20 Million Grants Available for Air Monitoring from the American Rescue Plan:** On January 11th, EPA hosted a webinar the instructed participants regarding EPA's recent announcement of \$20 million in available funds under the American Rescue Plan Act of 2021 (ARP) for eligible entities to conduct ambient air monitoring of pollutants of greatest concern in communities with environmental and health outcome disparities stemming from pollution and the COVID-19 pandemic.
- **Next Week – Upcoming Events / Tasks / Developments:**
 - **Administrator Regan Travel to Pacific Northwest to Highlight BIL:** Administrator Regan plans to travel to both Washington and Oregon states from January 19th-21st for a series of 'Building a Better America' infrastructure events. These engagements will highlight increased local infrastructure investments and key stakeholder engagement with advocates and Tribal leaders. Key elected officials planning to participate in the visit tentatively include Senators Jeff Merkley (D-OR) and Patty Murray (D-WA) as well as Gov. Jay Inslee (D-WA).
 - **REPORTS TO CONGRESS:** EPA will submit two statutorily required reports to Congress this month.
 - On January 14th, EPA will submit its identification of federal financial assistance infrastructure programs subject to the Build America, Buy American provisions.
 - On January 31st, EPA will submit a progress report on implementation of the Clean School Bus program.
 - **Instagram Live Event with Adam Met:** Administrator Regan will likely participate in an Instagram Live conversation with Adam Met, a singer and climate advocate, to discuss 'Building A Better America' priorities, reflect on a year of action at EPA, and highlight how Adam's younger audience can get involved in climate advocacy.

COVID-19

- N/A

CLIMATE

- **Past Week Accomplishments and Setbacks/Obstacles:**
 - On January 13th, Administrator Regan met with biofuels stakeholders to discuss the Renewable Fuels Standard.
- **Next Week – Upcoming Events / Tasks / Developments:**
 - **Climate Change Environmental Education Lessons:** Climate Change Environmental Education Lessons are being piloted by EPA Staff at local schools and will be out for agency review in late January. The lessons cover both climate mitigation, climate adaptation, and the intersection of climate and environmental justice. The lessons are being piloted at local schools in Massachusetts and Washington and will ultimately be posted on EPA's website.

EQUITY FOR UNDERSERVED COMMUNITIES

- **Past Week Accomplishments and Setbacks/Obstacles:**
 - EPA released a draft “EJ Action Plan: Building Up Environmental Justice in EPA’s Land Protection and Cleanup Programs,” which highlighted projects, tools, and practices the agency’s Office of Land and Emergency Management (OLEM) will apply to its programs, including Superfund, Brownfields, emergency response, solid waste management, and underground storage tanks. EPA will provide opportunities for meaningful public input at several upcoming virtual and in-person engagement events in 2022.
- **Next Week – Upcoming Events / Tasks / Developments:**
 - On January 17th, Administrator Regan will participate in a DC-based volunteer event to celebrate the Martin Luther King, Jr. Day of Service.
 - On January 19th, EPA’s Office of Public Engagement and Office of Air and Radiation will convene the next monthly

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Transportation and Environmental Justice virtual meeting, in coordination with the Moving Forward Network, WE ACT, and Climate Justice Alliance.

SIGNIFICANT EXECUTIVE ORDER (EO) & AGENCY ACTIVITY

- **Significant activity for consideration to raise to the attention of POTUS:**
 - **Drinking Water Emergency at Joint Base Pearl Harbor-Hickam (HI):** On January 11th, EPA and the U.S. Navy signed an Interagency Agreement to support EPA's continued participation in the multiagency response to contamination of the Red Hill drinking water system in Pearl Harbor that occurred in November of 2021. EPA is providing technical assistance to the Hawaii Department of Health to assist them in applying for federal funding for response efforts. As of January 12th, rapid flow flushing to cleanse the water distribution system has been completed in eleven of 19 zones, pending confirmation sampling results. Similar residential pipe flushing and sampling will follow successful system flushing in each zone. EPA has three on-scene coordinators and three expert members of its Water Emergency Team onsite and has deployed two mobile labs to California to assist with analytical capacity. This week EPA continued to actively coordinate with the Department of Defense, members of Congress, and engage local residents and other stakeholders, with Administrator Regan speaking with Secretary Austin and Deputy Administrator McCabe speaking with Deputy Secretary Hicks.
- **Past Week Accomplishments and Setbacks/Obstacles:**
 - **EPA Issued Response to Petition for EPA to Develop an Endangerment Finding for Lead Emissions from Aircrafts:** On January 12th, EPA released a Response to Petition for EPA to Develop an Endangerment Finding for Lead Emissions from Aircraft. EPA plans to respond to the petition noting agency plans to publish a proposal regarding endangerment. The proposed endangerment finding would undergo public notice and comment and after evaluating comments on the proposal, EPA could issue a final endangerment finding in 2023.

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- **Waters of the United States Public Hearings:** EPA and Army hosted three virtual public hearings to provide an overview and get feedback on the “Revised Definition of ‘Waters of the United States’” proposed rule.
 - **Background:** On December 7, 2021, the “Revised Definition of ‘Waters of the United States’” proposed rule published in the Federal Register, and the public comment period is open until February 7th, 2022.
 - **EPA Released Plan to Coal Ash Facilities:** On January 11th, EPA released its initial set of proposed decisions for facilities that requested more time to operate unlined coal ash surface impoundments. An “unlined surface impoundment” is an impoundment not constructed with an engineered waste containment system consisting of at least two components, such as a compacted soil layer and a geomembrane. The regulations define a Coal Combustion Residuals (CCR) surface impoundment or impoundment as a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR. EPA’s regulations required most of the approximately 500 unlined coal ash surface impoundments nationwide to stop receiving waste and begin closure by April 2021. The regulations outlined a process for facilities to apply for extensions to the closure deadline. The Agency is taking a strong stance to hold facilities accountable for controlling and cleaning up the environmental contamination created by decades of coal ash disposal. In these actions, EPA is re-stating its position on proper groundwater monitoring, cleanup practices and closure activities. Moving forward, EPA will improve the current rules by finalizing a federal permitting program for the disposal of coal ash and establishing regulations for legacy coal ash surface impoundments. EPA will also continue its review of state-level CCR program applications to ensure they are as protective as federal regulations. **CCR**
 - **Pesticide Active Ingredients and the Endangered Species Act:** On January 11th, EPA announced action to further the agency’s compliance with the Endangered Species Act (ESA) when evaluating and registering new pesticides. Before EPA
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registers any new conventional pesticide active ingredient (AI), the agency will evaluate the potential effects of the AI on federally threatened or endangered (listed) species and their designated critical habitats, and initiate ESA consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services), as appropriate. If EPA finds through its analyses that a new pesticide is likely to adversely affect listed species or their critical habitats, EPA will initiate formal consultation with the Services before registration and consider whether the registration may jeopardize the continued existence of listed species or adversely modify their designated critical habitat. If EPA predicts that jeopardy or adverse modification is possible, the agency will only make a registration decision after requiring the implementation of mitigation measures.

- **Enlist renewal of time-limited registrations:** EPA renewed time-limited registrations for Enlist One and Enlist Duo prior to the expiration in January 2022, which will incorporate robust ESA mitigation measures. These two herbicide products are for post emergence control of broadleaf weeds in cotton, soybean, and corn crops, including those that have developed resistance to multiple herbicides. Enlist One and Enlist Duo offer a potential alternative to over-the-top dicamba, another type of herbicide. EPA's ecological risk assessment found direct risks to non-listed and listed plants from runoff (pesticide carried off the pesticide application site following rainfall or irrigation) and indirect risks to animals that rely on these affected plants for diet or habitat, including non-listed and listed animals and some designated critical habitats. Additionally, EPA identified direct effects to animals present on the pesticide application site (on-field animals), including bees and listed species. Based on these findings, the agency is implementing a variety of control measures to protect honeybees, on-field listed animals, and their designated critical habitats, as well as off-field listed animals and their designated critical habitats. With these control measures in place, EPA anticipates that uses of Enlist One and Enlist Duo will not lead to jeopardy of listed species or to the destruction or adverse modification of designated critical habitats.

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- **Next Week – Upcoming Events / Tasks / Developments:**
 - **EPA’s Office of Research and Development supports state listening sessions on resilience and vulnerability to disasters:** On Thursday, January 20th, the Association of State and Territorial Health Officials (ASTHO) and the Environmental Council of the States (ECOS), in coordination with EPA, will host the first of a two-part listening session series on resilience and vulnerability to complex disasters. The sessions will focus on how state environmental and health agencies can prevent and mitigate environmental pollution and related public health impacts from disaster events, especially in the midst of COVID-19 response and recovery. The sessions will emphasize state coordination and collaboration to improve environmental and public health resiliency.

APPENDIX

- **Week ahead messaging:**
 - The Bipartisan Infrastructure Law empowers EPA to invest in the health, resilience, and equity of communities.
 - EPA is focused on delivering environmental justice for communities that have been overburdened by pollution and underserved for too long.
 - EPA is taking action to ensure that families and communities gain access to safe, healthy drinking water, free of lead and contamination.
- **Travel:**
 - **January 19th-21st** – Administrator Regan will travel to both Washington and Oregon states from January 19th - 21st for a series of ‘Building a Better America’ infrastructure events. These engagements will highlight increased local infrastructure investment and key stakeholder engagement with advocates and Tribal leaders. Key elected officials planning to participate in the visit tentatively include Senators Jeff Merkley (D-OR) and Patty Murray (D-WA) as well as Gov. Jay Inslee (D-WA).
- **Speeches:**

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- N/A
- **Media:**
 - On Wednesday, January 5th, Administrator Regan delivered virtual remarks at the National Environmental Justice Advisory Council (NEJAC) winter meeting, which was open press.
 - On Friday, January 14th, Administrator Regan will travel to Chesapeake, VA to join Congressman Bobby Scott (D-VA) to discuss State Revolving Fund loan opportunities for lead service line replacement in the community. The event will be open press.
 - (tentative) Potential open press visits to highlight BIL in Oregon on 1/20 and Washington state on 1/21.
- **Principal level meetings or calls with Governors, Mayors, or other elected officials of note:**
 - EPA Senior Leadership –
 - **January 14th** – Environmental Council of the States' Environmental Justice Steering Committee, will have their monthly meeting with EPA Environmental Justice leadership to share state and EPA updates.
- **Noteworthy public engagement:**
 - Administrator Regan –
 - **January 13th** – Administrator Regan met with biofuels stakeholders to discuss the Renewable Fuels Standard.
 - **January 17th** – Administrator Regan will participate in a DC-based volunteer event to celebrate the Martin Luther King, Jr. Day of Service.
 - EPA Senior Leadership –
 - EPA's Office of Public Engagement coordinated rollout engagements for the Coal Combustion Residuals (CCR) announcement that EPA is taking steps to protect groundwater from coal ash contamination. This including notification calls with:
 - Environmental advocates (Earthjustice, Southern Environmental Law Center, Environmental Integrity Project, and local groups)

- Industry associations (Utility Solid Waste Activities Group (USWAG), National Rural Electric Cooperative Association (NRECA), Baker Botts)
 - Labor stakeholder (Boilermakers and IBEW)
 - **January 19th** – EPA will convene the next monthly Transportation and Environmental Justice virtual meeting, in coordination with the Moving Forward Network, WE ACT, and Climate Justice Alliance.
- **Principal level meetings or calls with Members of Congress:**
 - Administrator Regan –
 - **January 13th** – Administrator Regan will have a video call with Sen. John Boozman (R-AR).
 - **January 13th** – Administrator Regan held a meeting with Senators Chuck Grassley (R-IA), Joni Ernst (R-IA), Mike Braun (R-IN), and Roger Marshall (R-KS) to discuss pesticides and the Endangered Species Act.
 - Regional Administrators –
 - **January 6th** – EPA Region 2 Administrator Lisa Garcia and Representative Tonko (D-NY) met virtually.
- **Noteworthy inquiries from Congressional committees or Members of Congress; scheduled testimony by Secretary or Deputy Secretary:**
 - **January 11th** – Briefing for Congressional staff on agency announcement: EPA Takes Key Steps to Protect Ground Water from Coal Ash Contamination.
 - **January 11th** – Briefing for House Energy and Commerce Committee staff on EPA's National Recycling Strategy.
 - **January 12th** – Chris Frey, nominee for Assistant Administrator for the Office of Research and Development, was voted out of the Senate Environmental and Public Works Committee and his nomination will move to the full Senate.
 - **January 14th** – EPA participation in State Department-led briefing for Senate Foreign Relations Committee staff regarding, among many things, the Kigali Amendment to the Montreal Protocol.

- **Noteworthy rulemaking in the Federal Register:**
 - N/A
- **Funding Announcements:**
 - **Water Infrastructure Finance and Innovation Act (WIFIA) Loan Announcements:** On January 19th, the U.S. Environmental Protection Agency (EPA) will announce three WIFIA loans totaling over \$690 million. Together, the projects financed by these loans are expected to create over 4,000 jobs:
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 - \$250M to Union Sanitary District in California to help fund upgrades to aging water infrastructure that will provide better wastewater treatment, reduced nutrient discharges to the San Francisco Bay, and increased resiliency to impacts of climate change.
 - \$42M to Milwaukee Metropolitan Sewerage District to expand its stormwater management capacity and reduce flood risk in historically underserved communities.
- **Grant Notices (NOFA/NOFOs):**
 - N/A